

Public Docket Information

PHONES FOR ALL, LLC V/S UNITED PARCEL SERVICES, INC Case Number: 24CV212747

- Case Details -

Type Of Action: Other Civil-CV
Judge: Miraldi, Judge James

Filed On: 6/17/2024

			Parties	
Name	Birth Date	Party	Address	Attorney(s)
PHONES FOR ALL, LLC	N/A	Р	237 LAKE AVE ELYRIA, OHIO 44035	ROYER, CHARLES P BUCKLEY KING, LPA 600 SUPERIOR AVE E SUITE 1400 CLEVELAND, OHIO 44114
UNITED PARCEL SERVICES, INC	N/A	D	55 GLENLAKE PARKWAY ATL, GEORGIA 30328	

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☐ Show All	FILING	REQUEST	
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Date Type	Description
06/17/2024 FILING	COMPLAINT W/JURY DEMAND FILED.
06/18/2024 N/A	Filing fee of \$300.00, paid by: BUCKLEY KING, LPA
06/21/2024 N/A	SUMMONS W/COPY OF COMPLAINT SENT CERTIFIED MAIL TO: UNITED PARCEL SERVICES, INC ARTICLE #9414726699042229566867
07/19/2024 REQUEST	FREQUEST FOR ALIAS SERVICE FILED.
07/25/2024 N/A	SUMMONS W/COPY OF COMPLAINT SENT CERTIFIED MAIL TO: UNITED PARCEL SERVICES, INC ARTICLE #9414726699042229605597
08/07/2024 N/A	Defendant is granted leave until August 15, 2024 to answer or otherwise respond to Plaintiff's Complaint.

Print Docket Close

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LORAIN COUNTY

2024 JUN 17 P 2:50
COUNT OF COMMON PLEAD
TOM ORLANDO

IN THE COURT OF COMMON PLEAS LORAIN COUNTY, OFICE

LUKAI	IN COURS	æ1,Ogno≝	MALAGUA
PHONES FOR ALL, LLC)	CASE NO.	JUDGE JAMES MIRALDI
237 Lake Avenue)		
Elyria, OH 44035)	JUDGE	
• •)		
Plaintiff,)	COMPLAIN	<u>Γ FOR DECLARATORY</u>
,	Ć	JUDGMENT	UNDER THE CARMACK
VS.	j j	AMENDMEN	NT, BREACH OF
, 5,	í	CONTRACT	AND NEGLIGENCE
UNITED PARCEL SERVICE, INC.	Ś		
55 Glenlake Parkway	Ś	(Jury Demand	l Endorsed Hereon)
•	,	(July Domain	Lindoised Tiereon)
Atlanta, GA 30328)		
)		
Defendant.)		

Plaintiff, Phones for All, LLC ("Plaintiff"), for its Complaint against Defendant, United Parcel Service, Inc. ("Defendant"), states as follows:

<u>INTRODUCTION</u>

- 1. Plaintiff is an Ohio limited liability company that purchases cellular phones which are then sold in other countries.
- 2. Defendant is a corporation that engages in the business of providing shipping services of commodities for companies, such as Plaintiff.
- 3. Jurisdiction is proper in this Court over Defendant pursuant to Ohio Revised Code 2307.382(A)(1), (2) and (3).
 - 4. Venue is proper in this Court pursuant to Ohio Revised Code 3(C)(12).

FACTUAL BACKGROUND

- 5. On or about March 15, 2024, Asim Alzraquat ("Alzraquat"), as an agent for Plaintiff, placed an order with Defendant to ship nine hundred sixty (960) cell phones to Plaintiff. (Documents which evidence the cell phones to be shipped are attached hereto and marked Exhibit "A.")
 - 6. The first order bore three tracking numbers which are as follows:

1Z24A24Y9126705985 1Z24A24Y9129218998 1Z24A24Y9120206203

- 7. The first order required Defendant to deliver the cell phones in ten (10) boxes.
- 8. Plaintiff, however, received only seven (7) boxes. Therefore, Defendant failed to deliver three (3) boxes.
- 9. As a result, Defendant failed to deliver sixty (60) cellular phones (iPhone 12 128GB unlocked mix color) at a value of \$208.56 per phone for damages of \$12,513.60.
- 10. The second order for six (6) boxes of cell phones bore tracking number 1ZY310450563228.
- 11. Defendant failed to deliver one (1) box of one hundred (100) iPhone 11 Pro Max 256GBs from a second order with a value of \$290.37 per phone for damages of \$29,0237.00.

12. The third order for fifteen (15) boxes of cell phones (iPhone 13 128GB unlocked mix color) had the following six (6) tracking numbers:

1Z24A24Y9116069478 1Z24A24Y9105907690 1Z24A24Y9118947524 1Z24A24Y9101236136 1Z24A24Y9100995747 1Z24A24Y9105358793

- 13. Defendant failed to deliver six (6) boxes containing one hundred eighty (180) cell phones with a value of \$314.25 per phone for damages of \$56,565.00.
 - 14. As a result of Defendant's conduct, Plaintiff has incurred losses of \$98,115.60.
- 15. It is obvious that the missing cell phones never left Defendant's UPS facility and have been stolen by Defendant's employees.
- 16. Plaintiff has formally submitted claims for the missing cell phones to Defendant, but Defendant has refused to compensate Plaintiff for its damages.

COUNT I Declaratory Judgment

- 17. Plaintiff restates the allegations contained in paragraphs 1 through 16 of this Complaint as if fully restated herein.
- 18. This claim is brought pursuant to Ohio Rule of Civil Procedure 57 and Ohio Revised Code § 2721.01, et seq., in order that this Court may determine the rights of the parties under the contract.
- 19. Upon information and belief, Plaintiff anticipates that Defendant will submit that a damage limitation clause limits the amount of Plaintiff's claim.

- 20. Plaintiff asserts that any damage limitation clause is under the factual circumstances of this specific case, inapplicable because it is a product of overreaching and an attempt to take unfair advantage over Plaintiff under Ohio law.
- 21. Plaintiff, therefore, asks this Court to declare that any damage limitation clause identified by Defendant be declared inapplicable to the transactions at issue in this case.

COURT II Carmack Amendment

- 22. Plaintiff restates the allegations contained in paragraphs 1 through 21 as if fully restated herein.
- 23. The cell phones purchased by Plaintiff were delivered to Defendant in good condition.
- 24. Defendant, however, failed to deliver three hundred forty (340) cell phones, and the amount of damages (\$98,115.60) is measurable.
- 25. Plaintiff has submitted an adequate claim of damage to Defendant, but Defendant has failed to compensate Plaintiff for its damages. (See Exhibit "B" attached hereto.)
- 26. Under the Carmack Amendment, Plaintiff is entitled to compensatory damages of \$98,115.60, plus its reasonable attorney fees.

COUNT III Breach of Contract

- 27. Plaintiff restates the allegations contained in paragraphs 1 through 26 as if fully restated herein.
- 28. Defendant's failure to deliver the one hundred eighty (180) cell phones constitutes a breach of contract.
- 29. As a result of Defendant's breach of contract, Plaintiff has been damaged in the amount of \$98,115.60.

COUNT IV Negligence

- 30. Plaintiff restates the allegations contained in paragraphs 1 through 29 as if fully restated herein.
- 31. Defendant owed Plaintiff the delivery of the cell phones and to ensure that Defendant's own employees did not steal the cell phones.
 - 32. Defendant breached its duty of care to Plaintiff.
- 33. As a result of Defendant's breach of duty of care to Plaintiff, Plaintiff has been damaged in the amount of \$98,115.60.

WHEREFORE, Plaintiff, Phones for All, LLC, requests that this Court award it damages of \$98,115.60, reasonable attorney fees and costs and interest at the rate of eight percent (8%) per annum.

Respectfully submitted,

Charles P. Royer (037104) BUCKLEY KING LPA 1400 Fifth Third Center 600 Superior Avenue East

Cleveland, OH 44114

(ph.) 216-363-1400 • (fax) 216-579-1020

royer@buckleyking.com Attorney for Plaintiff

JURY DEMAND

Plaintiff demands a trial by jury on all issues triable to a jury

Charles P. Ro

10346114



G.S.T./H.S.T. REGISTRATION #889301842 RT0001 O.S.T. PEGISTRATION #1020045201 TQ0001

Ship To: ELYRIA EXPRESS GAS

ASIM ALZRAQAT 237 LAKE AVE

ELYRIA OH 44035-4958

USA

Bill To:

ELYRIA EXPRESS GAS

ASIM ALZRAQAT 237 LAKE AVE

ELYRIA OH 44035-4958

USA

Debit memo

Number/Date

1304351848 / 2024.03.14

Reference number/Date

70479891 / 2024.03.14

Customer number **BSTOCK** P.O.number

T-032410-4 BLL17699

Order reason

Third Party Purchases

Terms of payment: Due upon receipt Currency: USD

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> Number/Date 1304351848/ 2024.03.14

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> Number/Date 1304351848/ 2024.03.14

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Invoice Total :	27,051.00
	Invoice Total:



G.S.T.JH.S.T. REGISTRATION #889301842 RT0001 Q.S.T. REGISTRATION #1020045201 TQ0001

Ship To:

ELYRIA EXPRESS GAS

ASIM ALZRAQAT 237 LAKE AVE

ELYRIA OH 44035-4958

USA

Bill To:

ELYRIA EXPRESS GAS

ASIM ALZRAQAT 237 LAKE AVE

ELYRIA OH 44035-4958

USA

Debit memo

Number/Date

1304351842 / 2024.03.14

Reference number/Date

70479894 / 2024.03.14

Customer number BSTOCK

P.O.number

D-032410-51 BLL17736

Order reason

Third Party Purchases

Terms of payment:	Due	upon	receipt	Currency:	USD

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Bill To: ELYRIA EXPRESS GAS ASIM ALZRAQAT 237 LAKE AVE ELYRIA OH 44035-4958 USA

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Number/Date 1304351842/ 2024.03.14

Bill To : ELYRIA EXPRESS GAS ASIM ALZRAQAT 237 LAKE AVE ELYRIA OH 44035-4958 USA

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G.S.T./H.S.T. REGISTRATION #888301842 RT0001 Q.S.T. REGISTRATION #1020045201 TQ0001

> Number/Date 1304351842/ 2024.03.14

Bill To: ELYRIA EXPRESS GAS ASIM ALZRAQAT 237 LAKE AVE ELYRIA OH 44035-4958 USA

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G.S.T.A.S.T. REGISTRATION #889301842 RT0001 Q.S.T. REGISTRATION #1020045201 TQ0001

Number/Date 1304351842/ 2024.03.14

Bill To: ELYRIA EXPRESS GAS ASIM ALZRAÇAT 237 LAKE AVE ELYRIA OH 44035-4958 USA

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G.S.T./H.S.T. REGISTRATION #889301842 FT0001 Q.S.T. REGISTRATION #1020046201 TO0001

> Number/Date 1304351842/ 2024.03.14

BINTO: ELYRIA EXPRESS GAS ASIM ALZRAQAT 237 LAKE AVE ELYRIA OH 44035-4958 USA

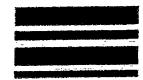
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Page 11 of 11



Shipper Y31045 Page 3 of 3



REQUEST FOR CLAIM PAYMENT

Include the lesser of your actual cost of the merchandise, replacement cost or repair cost if repairable. Specify which cost you are including. For future reference, this claim is identified by Claim Number 5351822401A, and Shipper Number Y31045.

		24 24 24 24			
	SHIPMENT TO: ASIM ALZRAQA ELYRIA EXPRES 237 LAKE AVE ELYRIA OH 4403	S GAS			
Number of Parce Shipper Reference	le Wei	kup Date02/23/24 ight42 LBS cking identification Number1ZY310450398588218			
Could this men If damaged, is If damaged, UI	chandise be replaced for your customer? Ye the merchandise repairable? Ye S may issue a Recovery Call Tag to take possess	s No X_ s No X_ ion of the merchandise.			
Quantity	Merchandise Description	Specify Dollar Amount and Indicate Whether Actual, Replacement or Repair Cost			
_100	.iPhone 11 Pro Max 256GB unlocked mixed colors	Actual price \$290.37			
	Total Amount Requeste				
Please provide a contact name and telephone number in the event further communication is necessary.					
CONTACT NAME: ASIM ALZRAGAT PHONE: 216-688-7777					
Please provide any additional Tracking Number(s) for the above shipment: Tracking Number(s):					

Claim documentation is no longer accepted via mail or fax.
Please upload your documentation using the links provided on page 1 to access Claims on ups.com.







March 26, 2024 Shipper 24A24Y Page 7 of 7



REQUEST FOR CLAIM PAYMENT

Include the lesser of your actual cost of the merchandise, replacement cost or repair cost if repairable. Specify which cost you are including. For reference, this claim is identified by Claim Number 1536376001B, and Shipper Number 24A24Y.

	ASIM ALZRAQAT ELYRIA EXPRESS 237 LAKE AVE ELYRIA OH 44035	LLC			
Shipper Number	Shipp 24V0120218008	p Date03/15/24 her Reference Number17736 that are missing. I received 7 and I am has 20			
Could this merchandise be replaced for your customer? If damaged, is the merchandise repairable? If damaged, UPS may issue a Recovery Call Tag to take possession of the merchandise.					
Quantity Merchandise	e Description	Specify Dollar Amount and Indicate Whether Actual, Replacement or Repair Cost			
100 Iphone 1 mixed ca uniocke		Actual amount \$203.55			
Total	Amount Requested:	\$ 21, 320.05			
Please provide a contact name and telephone number in the event further communication is necessary.					
CONTACT NAME: ASIM A12ragat PHONE 2110-683-7777					
Please provide any additional Tracking Number(s) for the above shipment: Tracking					

Claim documentation is no longer accepted via mail or fax. Please upload your documentation using the links provided on page 1 to access Claims on ups.com.

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